

## REMARKS<sup>1</sup>

Claims 1-3 and 6-26 are pending and under current examination. Applicant has amended claims 1-3, 9, 25, and 26. Support for these amendments may be found in the specification at, for example, page 5, line 7 to page 6, line 22 and Figs. 2a and 2b.

In the Office Action, the Examiner took the following actions:

- (1) rejected claim 25 under 35 U.S.C. § 112, second paragraph, as being indefinite;
- (2) rejected claims 1-3 and 10-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,851,050 ("*Singhal*"); and
- (3) rejected claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over *Singhal* in view of U.S. Patent App. Pub. No. 2003/0084287 ("*Wang*").

Applicant respectfully traverse the rejections for at least the following reasons.

### **Examiner's Interview**

Applicant and his representative thank Examiner Izunna Okeke for his time and courtesy in granting an interview on May 14, 2010.

During the interview, claims 1-3 were discussed with respect to the *Singhal* and *Wang* references. Applicant's representative explained how the present claims distinguish over the cited references. Applicant's representative and the Examiner also discussed proposed amendments to further distinguish the claims over the cited references. The substance of the interview is incorporated in this response.

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

Applicant has amended claim 25 to more clearly define Applicant's claimed invention. Applicant submits that the amendments to claim 25 overcome the 35 U.S.C. § 112, second paragraph, rejection, and respectfully requests its withdrawal.

**Rejection under 35 U.S.C. § 102(b)**

Applicant requests reconsideration and withdrawal of the rejection of claims 1-3 and 10-26 under 35 U.S.C. § 102(b) as being anticipated by *Singhal*.

In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in *Singhal*. See M.P.E.P. § 2131. *Singhal*, however, does not disclose each and every element of Applicant's amended claim 1. Specifically, *Singhal* does not disclose or suggest at least the following elements in claim 1:

sending key-related information M1 to an access point (AP),

wherein the key-related information M1 includes property information associated with the mobile host;

generating, by said AP, a key based on said key-related information M1 using a key generation algorithm; and

sending a message comprising ACCESS\_ACCEPT information to  
said mobile host, wherein:

if the message comprising the ACCESS\_ACCEPT  
information comprises key-related information M2 including said  
key generated by said AP, said key-related information M2 is

encrypted by the AP and is sent to said mobile host along with said  
ACCESS\_ACCEPT information; and

if the message comprising the ACCESS\_ACCEPT  
information does not comprise the key-related information M2, the  
mobile host generates the key upon receipt of said message  
comprising the ACCESS\_ACCEPT information.

(Emphases added.)

*Singhal* discloses a method “for providing location-independent packet routing and secure access in a wireless networking environment ....” *Singhal*, Abstract. *Singhal* further discloses that “[when] the server authentication module accepts the authentication request from the client and transmits a positive response to the client authentication module ... a session key is negotiated between the client authentication module and the server authentication module....” *Singhal*, col. 19, lines 41-45. That is, *Singhal* merely discloses that a session key can be negotiated between the client and the access point. However, *Singhal* does not disclose how the key is negotiated between the client and the AP. Moreover, *Singhal* is silent about how the key is generated and/or transmitted among the client, the access point, and the authentication server. Therefore, *Singhal* does not disclose at least the above-quoted claim elements recited in amended claim 1.

Therefore, for at least these reasons, amended claim 1 is allowable over *Singhal*. Claims 25 and 26, while of different scope, contain recitations that are similar to those discussed above regarding claim 1, and therefore are allowable for at least the same reasons as claim 1. Claims 2, 3, and 10-24 are also allowable at least due to their

dependence from independent claim 1. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection.

**Rejection under 35 U.S.C. § 103(a)**

Applicant requests reconsideration and withdrawal of the rejection of claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over *Singhal* in view of *Wang*. The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Office Action has neither properly determined the scope and contents of the prior art, nor properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B). Therefore, a *prima facie* case of obviousness has not been established, and the burden thus remains with the Office.

Specifically, *Singhal* and *Wang*, taken either alone or in combination, do not teach or suggest Applicant's claimed invention as recited in amended claim 1.

As discussed above, *Singhal* does not disclose or suggest the above quoted claim elements.

*Wang* does not cure the deficiencies of *Singhal*. For example, paragraphs [0026-0028] of *Wang* merely disclose that the WEP-session keys can be updated. The authentication server 10 generates new WEP session keys and sends the keys to the Access Points and to the STA 20. Or the authentication server may multicast to all or to

selected ones of the Access Points a key pair rather than only a single WEP-session key. See *id.* However, *Wang* does not disclose or suggest the above-quoted claim elements recited in Applicant's amended claim 1.

For at least the above reasons, the Office Action has neither properly determined the scope and content of the cited references, nor properly ascertained the differences between the prior art and the claimed invention. Claim 1 is therefore allowable over *Singhal* and *Wang*. Therefore, claims 6-9 are allowable at least due to their dependence from independent claim 1. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that the pending claims are neither anticipated nor rendered obvious by the applied references. Accordingly, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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